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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,067	12/15/2000	Niilo Musikka	34648-00436USPT	1180

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ERICSSON INC.
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EXAMINER

QURESHI, AFSAR M

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,067

Applicant(s)

MUSIKKA ET AL.

Examiner

Afsar M Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 8, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-4, 7, 9-11 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to amendments received on August 27, 2004. In light of the arguments/REMARKS, the rejection, mailed on May 26, 2004 is withdrawn. New rejection follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers et al. ("Sayers"), US 6,539,237 in view of Lu et al. ('Lu') US 5,761,195.

Sayers discloses method for integrated communication in a wireless network system (figure 1) which includes BSS system 5 composed of BTSs 12, BSC 16 and mobile stations sending IP packets (messages) to BSS (see col. 23, lines 26 through col. 24, lines 1-48) including mobile station identifier and control function identifier (see col. 25, lines 44-55).

Sayers discloses and IP network; a gateway coupled to IP network; a radio network server; a first BTS and a second BTS coupled to radio network server and to IP network (see figure 2).

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Furthermore Lu discloses a method for cross connecting the MS 300 (as discussed above in fig. 2A and col. 6, lines 23-25) that is served by BTS 330 to another MS 304 served by BTS 334. The BSC 326 controls BTS 330 and BTS 334.

Sayers does not specifically disclose that the first BTS sends first packet, associated with call, to second BTS and ordering second BTS to send second packet, associated with the call, to first BTS via second port, as claimed herein.

However, Lu, in the same field of endeavor, discloses a method for cross connecting the mobile station MS 300 served by BTS 330 to another mobile station MS 304 that is served by BTS 334. The BSC 326 controls BTS 330 and BTS 334 (see col. 6, lines 23-25, figure 2A).

It would have been obvious to one having skill in the art, at the time of this invention, to be able to establish a method, within the system disclosed by Sayers, such that, after receiving the access request message sending cross connection messages to the BTS as taught by Lu. Since a large percentage of calls are typically involving MS located nearby the caller, it is more economical to cross-connect two mobile stations directly at the lowest level of network hierarchy as taught by Lu (see col. 1, lines 44-45 and col. 3, lines 16-19).

3. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers in view of Dommety et al. ('Dommety') US 6,654,361.

Sayers does not disclose handover step procedures for BTS, as claimed herein. However, Dommety discloses a method of handoff optimization by selecting the first node as the cross over node (see col. 4, lines 11-18 and figure 2).

Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to be able to modify the base station system, disclosed by Sayers, to send cross connection messages from BTSs, once the access request message is received from MSC, to connect the MS directly (handover). This will optimize latency and network resources and keep the call in progress without being disconnected, as taught by Dommety (see col. 1, lines 50-55, col. 2, lines 22-25).

Allowable Subject Matter

4. Claims 2-4, 7, 9-11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Sayers et al. (US 5,642,754); Nevo (US 6,320,873); Alperovich et al. (US 6,400,944); Mahalingaiah et al. (US 6,788,701); La Porta et al. (US 2002/0057657 A1).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AFSAR QURESHI
PRIMARY EXAMINER

February 2, 2005